

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION

In Re:

Christopher Dwyane Williams

Social Security No. xxx-xx-3837
Address: 619 Country Lane, Winston-Salem, NC 27107

Case No. 17-50821
Chapter 13

Debtor

OBJECTION TO CLAIM

NOW COMES the Debtor above-named, through counsel, pursuant to 11 U.S.C. §502 and Bankruptcy Rule 3007, who respectfully objects to proof of claim #3 filed by the creditor Ally Financial (“Ally”) and dated August 25, 2017, for the following reasons:

In Debtor's prior bankruptcy case (16-50821), this Court entered an Order sustaining Debtor's objections to Claim No. 4 from Ally in the amount of \$9,178.29 on March 16, 2017. The proof of claim from Ally filed in this case constitutes that same claim amount, occurrences, transactions, and parties that were the subject matter of its proof of claim in the prior case that was disallowed. Therefore, the proof of claim filed in this case is subject to res judicata and should be similarly disallowed. Debtor reserves further grounds as stated in his original objection in the prior case.

WHEREFORE, the Debtor prays that the Court enter an Order disallowing the claim in its entirety.

Dated: September 28, 2017

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s Benjamin D. Busch

Benjamin D. Busch
N.C. State Bar No. 43458
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CERTIFICATE OF SERVICE

I, Erica NeSmith, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age and that on September 28, 2017. I served copies of the foregoing **OBJECTION TO CLAIM** electronically or, when unable, by regular first-class U.S. mail, addressed to the following parties:

Ally Financial
Attn: Managing Agent
PO Box 130424
Roseville, MN 55113-0004

Ally Financial
Attn: Managing Agent
4000 Lexington Ave. N, Ste 100
Shoreview, MN 55126

William P. Miller
U.S. Bankruptcy Administrator

Kathryn L. Bringle
Chapter 13 Trustee

/s Erica NeSmith

Erica NeSmith